

REMARKS/ARGUMENTS

Claims 1-13 have been withdrawn from further consideration as being drawn to a non-elected invention. Applicants confirm the election without traverse to prosecute claims 14-20 in the present application. Claims 14-20 have been examined and rejected. Claim 14 has been amended solely for clarification purposes. The present response also adds new claims 21-27. Accordingly, claims 14-27 remain pending. Reconsideration and allowance of all pending claims are respectfully requested.

Rejection under 35 U.S.C. § 112

Claims 14-20 have been rejected under 35 U.S.C. §112, first paragraph, as not being enabled by the specification. The rejection asserts that “the specification, while being enabling for “transferring data,” does not reasonably provide enablement for “without moving data.”” The rejection is respectfully traversed. For example, Fig. 3F and the text describing Fig. 3F at the bottom of page 13 and the top of page 14 of the present specification provides the enablement that the rejection states is lacking. Fig. 3F and the cited text disclose movement of data from “priority list 1” to “priority list 2” that is implemented by modification of pointer values without any movement of data from one storage cell to another storage cell. This description by itself provides sufficient enablement for the “without moving data” limitation. The rejection is therefore overcome and its withdrawal is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,253,262 issued to Rozario, et al. (hereinafter “Rozario”). This rejection should be withdrawn because the Rozario patent fails to disclose or suggest limitations of claim 14.

Claim 14, as amended, recites “transferring said data read from said memory device to a next lower priority list after reading without moving between storage cells.” This feature is

neither disclosed nor suggested by the Rozario patent. The Examiner notes that "Rozario does not explicitly teach transferring data after reading" but reasons that "it would have been obvious for one skilled in the art to modify Rozario's system to transfer data after reading because it saves space for highest priority list." The Examiner's reasoning is respectfully traversed.

The disclosure of Rozario is directed towards employing a buffer to automatically order requests for access to a system memory. Access requests may be either high priority write requests, high priority read requests, low priority write requests, or low priority read requests. In the system of Rozario, there is no capability for a high priority request to become a low priority request or *vice versa*. Accordingly, the concept of transferring data read from one priority list to another priority list has no meaning as in the context of the Rozario system. Modification of the Rozario system to accommodate this type of data transfer would render it inoperative for the purpose of reordering system memory access requests. A *prima facie* rejection can therefore not be based on the modification proposed by the Examiner.

Furthermore, claim 14 recites that this transfer of data is accomplished without movement of data between storage cells. This feature is also not disclosed or suggested by Rozario. Claim 14 is allowable over the art of record.

Claims 15-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rozario in view of U.S. Patent No. 6,269,413 issued to Sherlock (hereinafter "Sherlock"). The Sherlock patent does not remedy the deficiencies of Rozario discussed in connection with claim 14. Accordingly, claims 15-20 are allowable for at least the reason of their dependence from claim 14.

Claim 18 recites the use of a "count register" for each of the "priority lists" to indicate the number of storage cells allocated to each priority list. This feature is neither disclosed nor suggested by the art of record. The rejection points to the general disclosure of registers in columns 1-10. However, the registers referred to therein are pointer registers and do not indicate a number of storage cells allocated to each of a plurality of priority lists as required by claim 18.

This is further reason for the allowability of claim 18 on its own merits. Claim 19 also refers to these "count registers" and their use and thus is also allowable on its own merits.

Claims 21-27 are newly submitted and supported by the application as originally filed.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,



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